

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

IN RE:)
)
George T. & Susie K. Bending) CASE NO. 10-40774
)
Debtor)

**MOTION TO LIMIT SERVICE OF POST-CONFIRMATION
MODIFICATION OF PLAN TO DEBTOR'S ATTORNEY
AND THE U.S. TRUSTEE**

Comes now David A. Rosenthal, Chapter 13 Trustee, and states as follows:

1. David A. Rosenthal, Chapter 13 Trustee, pursuant to 11 U.S.C. §1329 has contemporaneously filed a Motion for Post-Confirmation Modification of Plan and a Post-Confirmation Modification of Plan, which plan was previously confirmed by the Court.

2. The modification provides only for an increase in monthly plan payments due to the fact debtor has a material increase in income discovered by the Trustee in his review of the current year tax return. The material increase was not reported by Debtor(s) as required. The Trustee requested debtor's attorney to either file an appropriate modification or to give proof of why such has not occurred. To date Debtor's attorney has done neither.

3. That the modification only benefits unsecured creditors by increasing debtors plan payment and providing a larger dividend to the unsecured creditors.

WHEREFORE, Trustee respectfully requests the Court to provide notice pursuant to FRBP 3015(g) to only Debtor's attorney and the U.S. Trustee.

/s/ David A. Rosenthal
David A. Rosenthal, Chapter 13 Trustee
P.O. Box 505
Lafayette, IN 47902
(765) 742-8248

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and accurate copy of the foregoing has been forwarded to the following, via ECF Noticing System or United States mail, first class, postage prepaid, on the 28th day of July, 2011:

U.S. Trustee, One Michiana Sq., Rm. 555, 100 E. Wayne St., South Bend, IN 46601
George T. & Susie K. Bending, 4142 Calder Dr., Lafayette, IN 47909
Hunter J. Reece, P.O. Box, Fowler, IN 47944

/s/ David A. Rosenthal

David A. Rosenthal, Chapter 13 Trustee
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Lafayette, IN 47902
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